

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JAVAUN JOHNSON,**

**Plaintiff,**

**v.**

**Civil Action No. 3:24cv302**

**A. BENNY,**

**Defendant.**

**MEMORANDUM OPINION**

Plaintiff, a federal inmate proceeding *pro se* and *in forma pauperis*, filed this *Bivens*<sup>1</sup> action. In order to state a viable claim under *Bivens*, a plaintiff must allege that a person acting under color of federal authority deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Williams v. Burgess*, No. 3:09cv115, 2010 WL 1957105, at \*2 (E.D. Va. May 13, 2010) (citing *Goldstein v. Moatz*, 364 F.3d 205, 210 n.8 (4th Cir. 2004)). Courts must liberally construe *pro se* civil rights complaints in order to address constitutional deprivations. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). Nevertheless, “[p]rinciples requiring generous construction of *pro se* complaints are not . . . without limits.” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985). In his current Complaint, (ECF. No. 3), Plaintiff fails to identify the particular constitutional right that was violated by the defendant’s conduct. Accordingly, by Memorandum Order entered on February 5, 2025, (ECF. No. 33), the Court directed Plaintiff to submit a particularized

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<sup>1</sup> *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

complaint within thirty (30) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit a particularized complaint would result in the dismissal of the action.

More than thirty (30) days have elapsed since the entry of the February 5, 2025 Memorandum Order (ECF. No. 33). Plaintiff failed to submit a particularized complaint or otherwise respond to the February 5, 2025 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 03/17/2025  
Richmond, Virginia

MH /s/  
M. Hannah Lauck  
United States District Judge